

REMARKS

Claims 1-39 and 42-50 are pending. The Office Action rejects Claims 1-5, 18, 21-31, 35, 42-43, and 47-50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,107,497 to McGuire et al. ("McGuire"). Claims 6-11, 16-17, 19-20, 32-34, 36-37, and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire. Claims 12-13, 15, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire in view of U.S. Pat. No. 7,304,982 to Hondo et al. ("Hondo"). Claims 38-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire in view of U.S. Pat. No. 5,881,315 to Cohen ("Cohen"). Claims 14 and 45 are indicated as being allowable if rewritten in independent form.

Applicants appreciate the Examiner recognizing the patentability of the subject matter of Claims 14 and 45. Applicants additionally appreciate the Examiner taking the time to speak with the Applicants' undersigned representative on May 10, 2011 regarding Information Disclosure Statements filed on October 29, 2010, April 12, 2011, and May 10, 2011, as well as regarding amendments to place the application in condition for allowance.

In the instant response, Applicants have amended independent Claims 1, 42, and 50, in the manner discussed with the Examiner on May 10, 2011 to include the allowable subject matter. These amendments are fully supported by the originally filed specification. Claims 2, 12, 14, and 43-45 have been canceled. In light of the amendments and subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance.

Note on Information Disclosure Statements

In the last Office Action, the Examiner noted that he did not consider the documents "Software Architecture – System of Pattern for Software Development" by Bushman ("Bushman") and "Lecture for Practicing Solaris" by Mauro ("Mauro") because an English translation is not available. While English translations of these references are not available to Applicants, Applicants still respectfully request the

Examiner to consider these references at least to the extent they were cited in and relied upon in the Office Actions for Japanese Application No. 2007-505638 dated September 29, 2010 (cited in the IDS of October 29, 2010) and March 22, 2011 (cited in IDS of April 12, 2011), respectively.

It is noted that an English language translation was provided for both of the Japanese Office Actions and, while Applicants make no admission regarding the propriety of the rejections set forth in Japanese Application No. 2007-505638, Applicants submit that the English translations of the Japanese Office Actions include statements of the relevance of Bushman and Mauro as alleged by the Japanese Patent Office. For example, the Japanese Office Action of September 29, 2010 discusses the alleged relevance of Bushman and Mauro beginning on Page 4 of the English translation of the Office Action, which was cited in the IDS of October 29, 2010. Similarly, the Japanese Office Action of March 22, 2011 discusses the alleged relevance of Bushman and Mauro beginning on Page 3 of the English translation of the Office Action, which was cited in the IDS of April 12, 2011. As such, Applicants respectfully request the Examiner to consider both Bushman and Mauro at least to the extent they were cited in and relied upon in the Office Actions of September 29, 2010 and March 22, 2011 in Japanese Application No. 2007-505638 in accordance with MPEP § 609, as the cited English language translations of the Office Actions provide statements of relevance sufficient to satisfy the requirements of 37 CFR 1.98 (a)(3)(i).

As discussed with the Examiner during the call on May 10, 2011, Applicants note that additional references were cited in Information Disclosure Statements filed on April 12, 2011 and May 10, 2011 following issuance of the last Office Action. Applicants respectfully request the Examiner to additionally consider the references cited in these IDS's prior to issuance of a Notice of Allowance.

Applicants note that the IDS of April 12, 2011 includes citations to the documents "Creating parallel program in OS/2" by Takano ("Takano") and "Performance evaluation for multimedia processing of Real-Time Mach 3" by Ogata ("Ogata"), for which full English translations are not available. However, the Office Action of March 22, 2011 in Japanese Application No. 2007-505638 discusses the alleged relevance of both of these

documents beginning on Page 3 of the English translation of the Office Action, which was cited in the IDS of April 12, 2011. Accordingly, Applicants respectfully request that the Examiner consider the Takano and Ogata documents in accordance with MPEP § 609.

Applicants respectfully submit that the additional references cited in the Information Disclosure Statements of April 12, 2011 and May 10, 2011, even when taken in combination with the previously cited references, fail to affect the patentability of the subject matter indicated as being allowable by the Examiner.

Independent Claims 1, 42, and 50 are in Condition for Allowance

Claim 1 has been amended to include each of the features of Claim 14 and intervening Claims 2 and 12. Applicants therefore respectfully submit that amended Claim 1 is patentably distinct from the cited references, taken alone or in combination, and in condition for allowance for at least those reasons the Examiner found Claim 14 to be allowable if rewritten in independent form.

Claim 42 has similarly been amended to include each of the features of Claim 45 and intervening Claims 43-44. Applicants therefore respectfully submit that amended Claim 42 is patentably distinct from the cited references, taken alone or in combination, and in condition for allowance for at least those reasons the Examiner found Claim 45 to be allowable if rewritten in independent form.

Claim 50 has been amended to include each of the features recited in Claims 2, 12, and 14. Accordingly, while amended Claim 50 includes has its own respective scope, being directed to a non-transitory memory, Claim 50 has been amended to include all of the features of Claim 14, which the Examiner indicated as being allowable if rewritten in independent form. As the Examiner kindly indicated willingness to enter this amendment and allow Claim 50, if so amended, during the call with Applicants' undersigned representative on May 10, 2011, Applicants respectfully submit that the amendment to Claim 50 should be entered and Claim 50 should be allowed.

The Rejection of the Dependent Claims is Overcome

Because each of the dependent claims includes each of the recitations of a respective independent base claim, Applicants further submit that the dependent claims are patentably distinguishable from the cited references, taken alone or in combination, for at least those reasons discussed above. Accordingly, Applicants respectfully submit that the rejections of the dependent claims are overcome and the dependent claims are in condition for allowance.

CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Charles A. Leyes
Registration No. 61,317

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON May 19, 2011.